

SIXTH SEMESTER

Labour Law II

1. *Minimum Wages Act 1948*

UNITS: 15

- a. Historical basis of Minimum wages Act
- b. Definition of employer and employee
- c. Definition of wages ,distinguish it with Industrial Disputes Act, Workmen's Compensation Act ,Payment of Wages Act.
- d. Various concepts of Wages
- e. Procedure for fixing and revising of minimum wages
- f. The authorities appointed under the Act
- g. The mode of payment of minimum rates of wages
- h. Calims and procedures for presenting calims

2. *Payment of Wages Act 1936*

UNITS:15

- a. Definition of wages
- b. Responsibility for payment of wages , fixation, time and manner of payment
- c. Deductions allowed under the Act , the idea and the conditions
- d. Specific deductions and the manner and extent
- e. Power of the inspector and facilities to be afforded to the inspector.
- f. Authorities under the Act

3. *Employees' Compensation Act 1923*

UNITS: 25

- a. Scope, object of the Act
- b. Liability of the employer to pay compensation , right of workmen to receive compensation conditions

Personal injury – accident- occupational disease – arising out of and in the course of employment –notional extension – doctrine of added peril--meaning and kinds of disablement- dependent – meaning of workmen and wages -- Defenses for employer

- c. Scheme and rate of compensation-
- d. Scheme of distribution of compensation
- e. Appointment and qualifications of commissioner under WC Act , powers and functions of commissioner.

4. *Employees State Insurance Act 1948*

UNITS: 20

- a. Object , application, seasonal factory
- b. Definitions—dependent, employment injury, employee, manufacturing process, employer
- c. ESI Corporation- constitution, powers, standing committee, medical benefit council, officers ,powers , duties
- d. ESI funds , payment of contribution
- e. Benefits under the Act—Sickness ,meternity, medical , disablement , dependents, funeral benefits
- f. Adjudication of disputes

Note: The units mentioned above include internal assessment hours.

Recommended Books

Srivastava S.C. --- Social Security

Mallik –Industrial Law

Mishra S.N. ----- Labour Law

N.D.Kapoor --- Industrial Law

S.K.Puri—Labour and Industrial Law

K.M .Pillai--- Labour and Industrial Law

CRIMINAL PROCEDURE CODE

1. Definitions- Bail able and Non-Bail able offences, Cognizable and Non-Cognizable, Summons and Warrant case, etc.UNITS: 02
2. Constitution of criminal courts and offices UNITS: 02
3. Powers of court UNITS: 02
4. Powers of superior officers of police UNITS: 01
5. Aid to the magistrates and the policeUNITS: 02
6. Arrest of persons UNITS: 02
7. Process to compel appearance UNITS: 02
8. Process to compel production of things.UNITS: 02
9. Procedure for attachment and forfeiture UNITS: 02
10. Security for keeping the peace and for good behaviour.UNITS: 02
11. Order for maintenance of wives, children and parents. UNITS: 02
12. Maintenance of public order and tranquility. UNITS: 03
13. Preventive action of police.UNITS: 03
14. Information to police and their powers to investigate. UNITS: 02
15. Jurisdiction of criminal courts and enquiry and trial. UNITS: 02
16. Conditions requisite for initiation of proceedings. UNITS: 02
17. Complaints to magistrates. UNITS: 02
18. Commencement of proceedings before magistrates. UNITS: 02
19. The Charge. UNITS: 03
20. Trial before Court of Session. UNITS: 02
21. Trial of warrant cases and summons cases by magistrate. UNITS: 02
22. Summary trial. UNITS: 02
23. Attendance of persons confined or detained in prison. UNITS: 02
24. Evidence and inquires and trails UNITS: 02
25. General provision as to enquiry and trial.UNITS: 02
26. Provisions as to accused persons of unsound mindUNITS: 02

27. Provisions as to affecting the administration of justice. UNITS:01
28. The judgment. UNITS: 02
29. Submission of death sentence for confirmation. UNITS: 02
30. Appeals, Reference, Revision and transfer of cases UNITS:02
31. Execution Suspension, Remission and commutation of sentences. UNITS: 02
32. Provisions as to bail and bond. UNITS: 03
33. Disposal of properties. UNITS: 02
34. Irregular proceedings. UNITS: 02
35. Limitations for taking cognizance of certain offences. UNITS: 03
36. Miscellaneous. UNITS: 02

Note: The units mentioned above include internal assessment hours.

BOOKS RECOMMENDED

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|------------------------|----------------------------------|
| R.V Kelkar | : Lectures on Criminal Procedure |
| Sarkar | : Criminal Procedure |
| Ratanlal and Dhirajlal | : The Code of Criminal Procedure |

LAW OF TAXATION

I UNITS: 15
History of Tax Law in India, Constitutional provisions relating to Taxation Nature and Scope of Tax, Definition: Persons, Assesses, Tax Pays, Previous year, Assessment years, Financial year, Income, Gross Taxable Income, Taxable Income, Agricultural Income, Tax Evasion and Tax Avoidance

II: Direct Tax UNITS: 20
Income Tax, Residential Status: Rules (Sec.6), Tax Liability Exemption (Sec .I 0), Deduction (Sec.80), related to individual, Expenses & Income, Rebate (Sec.88 & 88 B), Deemed income and clubbing of income, Carried Forward and Set of losses.

III: Income Tax UNITS: 20
Heads of Income: Income from Salary, House property, Business and Profession, Capital Gain and other sources
Calculation of Gross Total and Taxable income, Tax rebate and Computation of Tax Liability, Tax Collection at source and Advance Tax

IV UNITS: 20
Assessment Procedure, Types of Assessment
Income Tax Authority: Their function, Duties and Powers, Appeal, Offences, Fines and Penalties, Settlement of grievances and Prosecution, Income Tax Act, 1961, Income Tax Rules

BOOKS RECOMMENDED:

1. Ramesh Sharma, Supreme Court on Direct Taxes, (1998)
2. SampatIyengar, Law of Income Tax, (1998)
3. Kanga and Palkiwala, The Law and Practice of Income Tax

INTELLECTUAL PROPERTY LAW

Chapter—I

Units: 11

1. Concept of property vis-à-vis Intellectual property
2. Nature of property
3. Development of Intellectual property
4. Role of WTO

Chapter—II

Units: 20

PATENTS

1. Introduction, how to obtain patent, specification, opposition to grant of patent.
2. Registrar of patents and patent office
3. Rights and obligations of patents
4. Transfer of patent rights
5. Compulsory licenses, licenses of right and revocation for non working
6. Government use of inventions
7. Revocation and surrender of patents
8. Infringement of patents
9. Threat of infringement proceedings
10. Offences and penalties and miscellaneous matters

Chapter—III

Units: 20

TRADEMARKS

1. Introduction
2. Trade marks registry and register of trademarks
3. Property in trademark and registration of trademark
4. Deceptive similarity
5. Assignment and transmission

- 6.Licensing of trademark and registered users
- 7.Rectification of register
- 8.Infringement, threat and trade libel
- 9.Good will, passing off
- 10.Offences and penalties
- 11.Miscellaneous matters

Chapter—IV

Units: 24

COPYRIGHT

- 1.Introduction
- 2.Nature of copyright
- 3.Subject matter of copyrights
- 4.Term of copyrights
- 5.Author and ownership of copyright
- 6.Rights conferred by copyright
- 7.Assignment, transmission and relinquishment of copyrights
- 8.Licenses
- 9.Publication and public
- 10.Infringement of copyrights
- 11.Remedies against infringement of copyrights
- 12.International copyrights
- 13.Copyright office, copyright board, registration of copyrights and appeals
- 14.Confidential information, breach of confidence and know how

BOOKS RECOMMENDED

Narayanan. P : Intellectual property law

Wadhera : Intellectual property law

Cornish : Intellectual property law

GB Reddy : Intellectual Property rights and law

ARBITRATION AND CONCILIATION ACT, 1996

1.The concepts of ADR's	Units: 4
Negotiation, Mediation, Conciliation and Arbitration.The need for ADR's.Detects of existing dispute resolution system.	
2.Arbitration Agreement	Units: 3
3.Power at parties to refer the matter for arbitration	Units:2
4.Interim measures by court and arbitrator	Units:2
5.Composition of arbitral tribunal	Units:4
Number of arbitrator, appointment of arbitrator,	
6.Grounds for challenge of appointment	Units:6
Challenge procedure, failure to act, termination of mandate, and substitution of arbitrator.	
7.Jurisdiction of Arbitral Tribunal	Units:6
Competence of arbitral tribunal to rule its own jurisdiction.	
8.Conduct of arbitral proceedings	Units:4
Place of arbitration, commencement of arbitral proceedings, fixing of language of arbitral proceedings, procedure for making claim and defence, effect of default by a party	
9.Other important powers of arbitrator	Units:2
Equal treatment of parties, determination of rules of procedure	
10.Other important powers of arbitrator	Units:2
Appointment of expert by arbitral tribunal, court assistance in taking evidence	
11.Rules applicable to substance of dispute.	Units:2
12.Making of arbitral award and termination of proceedings	Units:6
Decision making by panel of arbitrators, form and contents of arbitral award, termination of proceedings	
13.Correction and interpretation of arbitral award; additional award.	Units:3
14.Settlement	Units:3
Duties of arbitrator, advantages of settlement.	
15.Recourse against arbitral award	Units:6
Setting aside arbitral award.	
16.Finality and enforcement fo arbitral award.	Units:2

17.Appeals	Units:2
18.Miscellaneous	Units:2
19.Enforcements of foreign awards	Units:2
20.New York convention awards	Units:3
21.Geneva convention awards	Units:3
22.Conciliation	Units:6

BOOKS RECOMMENDED

Avatar Singh : Arbitration and Conciliation Act, 1996

Bachawat J : Arbitration and Conciliation Act, 1996

PRACTICAL PAPER III – ALTERNATIVE DISPUTE RESOLUTION

Public Interest Lawyering, Legal Aid and Para Legal Services.

This course carrying 100 marks will have to be designed and evaluated according to local conditions by the College in consultation with the Universities and State bar Councils. It can be taught partly through classroom instruction including simulation exercises and partly through extension programs like LokAdalat, Legal Aid Camp, Legal Literacy and Para Legal training. The course should also contain lessons on negotiations and counseling, use of Computer in legal work, legal research in support of Public Interest Litigation, writing of case comments, editing of Law journals and law office Management. The marks may be appropriately divided to the different programs that each University might evolve for introduction in the Colleges under its control.

Note

In order to give the students adequate training, the teaching programme for the practical papers will be carried out simultaneously along with the teaching program for the theory papers. Students are expected to maintain a journal for each of the practical paper separately and keep a proper record of their activities, attendance at courts, office of the lawyer, legal aid cells, public interest work undertaken in the respective journals. These journals have to be certified and endorsed from time to time by the faculty member in charge as notified by the College. These journals have to be submitted for assessment and viva before the end of the last semester as per the time schedule notified by the College/University.

PRACTICAL PAPER IV – MOOT COURT.

Moot Court, Pre-trial Preparations and participation in pre trial proceedings, detailed as below:
This paper will have three components of 30 marks each and a viva for 10 marks.

a. Moot Court (30 marks)

Every student will do at least 3 moot courts in a year with 10 marks for each. The moot court work will be on assigned problems and it will be evaluated for 5 marks for written submissions and 5 marks for oral advocacy.

b. Observance of trial in two cases, one civil and one criminal (30 marks)

Students will attend two trials in the course of the last 2 or 3 years of LL.B. studies. They will maintain a record and enter the various steps observed during their attendance on different days in the Court assignment. This scheme will carry 30 marks.

c. Interviewing techniques and Pre trial preparations (30 marks)

Each student will observe two interviewing sessions of clients at the Lawyer's Office / Legal aid Office and record the proceedings in a diary which will carry 15 marks. Each student will further observe the preparation of documents and court papers by the Advocate and the procedure for the filing of the suit / petition. This will be recorded in the diary, which will carry 15 marks.

d. The fourth component of this paper will be Viva Voce examination on all the above 3 aspects. This will carry 10 marks.